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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Lencki et al.	:	
		:	Group Art Unit: 3626
Serial No.:	09/748,359	:	
		:	Examiner: Porter, Rachel L.
		:	
Filed:	December 26, 2000	:	Docket No. CLC 00.02
		:	
For:	SYSTEM AND METHOD	:	
	FOR FACILITATING SELECTION:	:	
	OF BENEFITS	:	

DECLARATION OF KEITH SCALLY UNDER 37 C.F.R. § 1.132

I, Keith Scally, declare that:

1. I am President of Choicelinx Corporation, assignee of the above-identified patent application.
2. I submit this Declaration to present objective evidence of the non-obviousness of the invention of claims 1-4, 6-12, 14-23, 25-31, 33-40, 42-48, 50-51, 70-73, 75-79, 81-82 and 106 pending in this application.
3. As evidenced herein, the invention embodied in the claims has been recognized in the industry as an innovative approach to consumer-driven health plans and has made an impact on the healthcare industry.
4. Exhibit A is a true and correct copy of an article, dated July 16, 2001, entitled "Morgan Stanley and Choicelinx Unveil New Customer Designed Healthcare Benefits Plan." This article refers to a commercial embodiment of the invention claimed in the present application, referred to herein as the "Benefits Configurator".
5. Exhibit A states: "Using Choicelinx' proprietary configuration technology, Morgan Stanley employees will be offered a fully customizable healthcare benefits option accessible online at work or from their home computers. The Choicelinx technology allows employees to

view line item medical costs and then customize those costs to meet their individual needs based upon the information presented and combined with the knowledge of their personal health benefits usage patterns.”

6. Exhibit A describes the “Choicelinx benefits configuration tool.” In particular, it states: “Using the benefits configuration tool, employees can view the relative cost of selecting a \$5 co-pay option for physician visits compared to a \$10 or a \$15 co-payment option. . . . Using Choicelinx, Morgan Stanley employees may actively control their healthcare premium costs and at the same time allocate their co-payment dollars in a way that meets their specific family healthcare needs.”

7. Exhibit A further states, Michael Torre, Principal of Human Resources at Morgan Stanley said, “We are pleased to be at the forefront of the movement toward consumer-driven health plans. We believe this trend is in the best interest of our employees because it allows them more freedom and flexibility to decide how to apply their benefit dollars.” The foregoing statement evidences that the Benefits Configurator is an innovative approach to consumer-driven healthcare.

8. Exhibit A further states, Mr. Torre added, “In companies such as ours with many employees, it is extremely difficult to design a standard plan that is right for everyone. We have always worked hard to offer our employees a variety of comprehensive and affordable health plans. Now, with Choicelinx our employees will also have the opportunity to select different co-payment options in each health benefit area, depending upon how they value each one of those benefits.” The foregoing statement evidences that the Benefits Configurator solves a need in the industry for consumer-driven healthcare.

9. Exhibit B is a true and correct copy of an article, dated March 15, 2001, entitled “Donna Lencki, Chairman and CEO of Choicelinx Corporation to Address Employers’ Summit on Healthcare.” This subject of this article is the Benefits Configurator, referred to in the article as “Internet-based benefits configuration technology” that offers “employees the ability to configure unique health care benefits packages according to their specific family health care needs – from medical and dental care to alternative medicine and vision care.”

10. Exhibit B notes that “Summit participants will examine cutting edge initiatives that will reduce health care costs and improve the quality and delivery of health benefits to employees.”

Because the Benefits Configurator was included as a discussion topic at the Summit, this provides evidence that the Benefits Configurator is “cutting edge” technology.

11. Exhibit C is a true and correct copy of an article, dated January 6, 2004, entitled “Blue Cross and Blue Shield Association and Choicelinx Corporation Sign National Agreement.” This article refers to the Benefits Configurator as “[p]rimary among the products offered by Choicelinx.”

12. Exhibit C references “Best in Class Designation Further Validates Choicelinx as a Leader in Consumer-Driven Healthcare Technology Solutions for the Health Insurance Industry.” Further, the article notes that the “Blue Cross and Blue Shield Association chose Choicelinx for its flexibility in developing innovative product selection and enrollment technology that supports both traditional and innovative consumer-directed products.” The Executive Director of Business Development of BCBSA is quoted as stating “We recognized Choicelinx’s technology strength and healthcare domain expertise make it an attractive solution for member plans.” This statement provides evidence that the Benefits Configurator is a “best in class”, innovative product offering in consumer-driven healthcare.

I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 2/16/11


Keith Scally

Exhibit A



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MANCHESTER, N.H. --(BW HealthWire)--July 16, 2001

Choicelinx Corporation, a benefits technology and services company, announced today that for the first time Morgan Stanley will offer a customer-designed benefits option to employees in its Ohio, Utah and Arizona locations.

Using Choicelinx' proprietary configuration technology, Morgan Stanley employees will be offered a fully customizable healthcare benefits option accessible online at work or from their home computers. The Choicelinx technology allows employees to view line item medical costs and then customize those costs to meet their individual needs based upon the information presented and combined with knowledge of their personal health benefits usage patterns.

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health plans. We believe this trend is in the best interest of our employees because it allows them more freedom and flexibility to decide how to apply their benefits dollars." Torre added, "In companies such as ours with many employees, it is extremely difficult to design a standard plan that is right for everyone. We have always worked hard to offer our employees a variety of comprehensive and affordable health plans. Now, with Choicelinx our employees will also have the opportunity to select different co-payment options in each health benefit area, depending upon how they value each one of those benefits."

Michael Torre, Principal of Human Resources at Morgan Stanley said, "We are pleased to be at the forefront of the movement toward consumer-driven

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The Choicelinx benefits configuration tool, gives Morgan Stanley employees first-time access to benefit-by-benefit cost information. Using the benefits configuration tool, employees can view the relative cost of selecting a \$5 co-pay option for physician visits compared to a \$10 or a \$15 co-payment option. An employee selecting the higher co-payment will be able to apply premium savings to other benefits. For those employees who may want to take a more gradual approach to choice, Choicelinx offers a "Quick Select" option that displays a standard co-payment option. Using Choicelinx, Morgan Stanley employees may actively control their healthcare premium costs and at the same time allocate their co-payment dollars in a way that meets their specific family healthcare needs.

Today healthcare costs are among the highest priorities for benefits specialists, according to a recent survey. Tools like Choicelinx provide benefits managers with the opportunity to better predict future healthcare cost increases and at the same time give employers more flexibility in the benefits they choose. Initially, the Choicelinx option will be offered to approximately 10,000 of Morgan Stanley's 50,000 employees.

Donna Lencki, Chairman and CEO of Choicelinx said, "Morgan Stanley is a clear leader among the nation's employers in recognizing the desire among healthcare consumers for flexibility and choice in designing healthcare and other employee benefits. Using the Internet as a tool, we can provide healthcare consumers with the same level of choice they currently enjoy when purchasing other goods and services. Our goal at Choicelinx is to provide progressive employers, like Morgan Stanley and others, with the technology needed to continually offer innovative benefit options to their employees."

About Choicelinx Corporation

Choicelinx Corporation is a benefits technology and services company specializing in a new generation of customer-designed benefits products for self-insured employers, traditional insurers, managed care organizations developing consumer-driven products and financial services companies. Choicelinx has combined state-of-the-art technology and medical management services with an experienced customer service team and expansive online management tools, including claims tracking, physician selectors, online service capabilities, as well as comprehensive health and wellness information. To learn more about how to offer the Choicelinx solution in your workplace, visit the company on the Web at www.choicelinx.com

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Donna Lencki, Chairman and CEO of Choicelinx Corporation to Address Employers' Summit On...

Publication: Business Wire

Date: Thursday, March 15, 2001

Presented by:

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MANCHESTER, N.H. --(BW HealthWire)--March 15, 2001

Summit Participants Will Explore Cutting Edge Initiatives That

Will Reduce Health Care Costs

Choicelinx Corporation Chairman and CEO, Donna K. Lencki, will present at The Employers' Summit on Health Care on Wednesday, March 21, 2001, in Washington, D.C. The Summit participants will examine cutting edge initiatives that will reduce health care costs and improve the quality and delivery of health benefits to employees. Lencki's presentation titled "Customer-Designed Benefits: A New Era in Health Care" will focus on the new technology being developed to enable consumers to take a more active role in designing their health benefits plans. The discussion will include the Internet and other new technologies that support the movement toward consumer self-

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directed health care plans. The current trends in health care parallel the shift in America's workplaces from defined pension plans to self-directed 401(k) plans.

Lencki said "Choicelinx' proprietary, Internet-based benefits configuration technology facilitates the shift to consumer-designed health care plans by offering employees the ability to configure unique health care benefits packages according to their specific family health care needs - from medical and dental care to alternative medicine and vision care."

Choicelinx has combined its state-of-the-art technology and medical management services with an experienced customer service team and expansive on-line management tools. These tools can be customized and include claims tracking, physician service capabilities, e-mail and on-line chat, as well as comprehensive health and wellness information.

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Business Editors/Health/Medical Writers

MANCHESTER, N.H. --(BUSINESS WIRE)--Jan. 6, 2004

Best in Class Designation Further Validates Choicelinx as a Leader in Consumer-Driven Healthcare Technology Solutions for the Health Insurance Industry

Choicelinx Corporation announced today that it has entered into a national agreement with the Blue Cross and Blue Shield Association (BCBSA), the association for the nation's 41 independent Blue Cross and Blue Shield health insurance Plans, which collectively insure more than 88 million Americans. The agreement stipulates that Choicelinx and BCBSA will jointly educate executives and decision-makers of the member Plans about Choicelinx' consumer-directed technology solutions and success stories.

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Choicelinx, with its flexible technology solutions and comprehensive suite of Web-based products, enables health plans and insurers to address the growing demand for consumer-focused tools and benefit designs and more specifically meet their customers' needs. Primary among the products offered by Choicelinx is its Benefits Configurator (sm), which allows health plans to offer benefits that can be customized online by members as they enroll in their benefits plans. Choicelinx also offers Web-based solutions for a number of health plan processes, including enrollment, managing life event benefit changes, benefit inquiries and benefit designs.

Blue Cross and Blue Shield Association chose Choicelinx for its flexibility in developing innovative product selection and enrollment technology that supports both traditional and innovative consumer-directed products. "The Blue Cross and Blue Shield Association is dedicated to the success of our Blue Plans," said Jody Voss, Executive Director, Business Development at BCBSA. "We recognized that Choicelinx's technology strength and health care domain expertise make it an attractive solution for member Plans."

Donna K. Lencki, chairman and CEO of Choicelinx said, "Our mission at Choicelinx is to develop new technologies that allow our health plan clients to migrate their current products to the web as well as offer new consumer-focused products to their customers. Our tools allow health plans to respond quickly to consumer-driven trends and streamline administrative processes, without significant technology expenditures." Lencki added, "Choicelinx technology is unique in that it does not limit health plans to one consumer-directed product strategy, but offers tools to deliver the right product or combination of products in their markets."

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The Blue Cross and Blue Shield Association is made up of 41 independent, locally operated Blue Cross and Blue Shield plans that collectively provide healthcare coverage for 88.3 million - nearly one-third of all Americans. For more information on the Blue Cross and Blue Shield Association and its Plans, visit www.bcbs.com.

About Choicelinx

Choicelinx Corporation is a benefits technology and services company specializing in a new generation of customer-designed benefits products for the health insurance industry. Through its Internet-based Plan Selector(sm), and Enrollment Manager(sm) products, health plan members can choose a plan and enroll online. Through its Benefits Configurator(sm) software, members can design their own personalized benefits packages to meet their individual or family needs. Choicelinx products improve health plan operations and achieve efficiencies through seamless automation of data collection and transmission. Choicelinx Corporation is headquartered in Manchester, New Hampshire. To learn more about the Choicelinx solution, visit the company on the web at www.choicelinx.com.

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